

REMARKS – General

The Applicant appreciates the detailed examination and comments of the Examiner set out in the office action.

In the Drawings

Figures 2C and 10 have been corrected to address the deficiencies identified in the Office Action. Replacement sheets are appended to this submission.

In the Specification

The Specification has been amended to address the corrections required by the Office Action.

In the Claims

The Claims have been amended by the Applicant to address deficiencies noted in the Office Action and to define the invention more particularly and distinctly so as to overcome the rejections and define the invention patentability over the cited references.

Claims 1 to 26 were pending prior to the amendments contained herein. The Office Action mailed on 10/25/2006 objected to claims 2, 6, 7 and 17 because of formalities. These claims have been corrected and resubmitted herein. Claims 16-26 and claims 1-15 were rejected under 35 U.S.C. § 112. These claims have been amended to comply. Claims 1 and 10 were rejected under 35 U.S.C. § 102 in light of Kawamura and claims 16 and 17 were rejected under 35 U.S.C. § 102 in light of Kitts. These claims have either been cancelled or amended to comply. Claims 2-9, 11-15 and 18-26 were held allowable if rewritten to overcome the § 112 objections.

Claims Rejected Under USC 35 § 112

The Office Action, paragraph 8, rejected claims 16 to 26 as failing to comply with the enabling requirement. Specifically, claim 16 recites a second elongate body adapted to securely seal the at least one card within the front chamber and the second rear chamber. The Office Action indicates that these features are not described in the specification or drawings. Applicant has amended original Claim 16 to comply with § 112.

Similarly, Claim 1 has been amended so that “said belt” has a proper antecedent basis.

Claim 2 has been amended to ensure consistent terminology between “top” and “upper” and “bottom” and “lower”.

The objection noted in paragraph 10 has been addressed by amendment of original claim 16.

Claims Rejected Under USC 35 § 102**Claim 1.**

The Office Action rejects Applicants’ old claim 1 as being anticipated by Kawamura. Applicant respectfully submits that its amended claim 1 is patentably distinguishable over Kawamura.

Amended claim 1 reads as follows:

An ID/credit card anti-theft device for mounting to a belt and securely holding an at least one card, said at least one card having an upper surface and a bottom surface, wherein said ID/credit card anti-theft device comprises a first rectangular body comprising a chamber for receiving and securely holding the at least one card, a second elongate body comprising means for demountably mounting said first rectangular body to said belt and means for sealing the at least one card within said chamber in a locked configuration; and, a biasing element positioned within said chamber, said biasing element adapted for

exerting a securing biasing force against said bottom surface of the at least one card contained within the chamber.

Referring to Kawamura, para [0036] and Figure #4, there is disclosed a guide ridge (18) along a centre line on the inner surface of the rear wall portion (12) of socket (10). This guide ridge does not exert any biasing force on the card and does not act to maintain the cards stable within the socket. The guide ridge is adapted to fit within groove (26) as shown in Figures 7 to 9.

Therefore, Karamura does not disclose "...a biasing element positioned within said chamber, said biasing element adapted for exerting a securing biasing force against said bottom surface of the at least one card contained within the chamber."

The description and purpose of the biasing element are described in Applicant's specification as follows:

[0037] Referring to FIG. 1 and FIG. 3 there is shown my belt mounted anti-theft device further including a biasing element (60) positioned within the chamber (30). The biasing element (60) is adapted for exerting a securing biasing force against the bottom surface (16) the card (12) contained within the chamber (30). The biasing element comprises a resilient rectangular biasing member (62) having a base (64) fixed cohesively to the ceiling (34) of the chamber (30). The biasing member (62) projects with a negative acclivity (66) from base (64) and includes a free second end (68). The free second end (68) has an oblate portion (70) that terminates adjacent to the first centrally positioned oblong cutout (54) and is adapted for sliding contact with the bottom surface (16) of the card (12). The biasing element (60) acts cooperatively with the bottom portion (21) to bias the top surface (14) of the card (12) within chamber (30) against the floor of the chamber (32) thereby maintaining it securely within the chamber.

Applicant submits that the biasing element disclosed in his invention is novel and inventive over Karamura. To anticipate the Applicant's invention, Karamura must teach every aspect of the

Applicant's invention and fails to do so. For this reason, Applicant requests that the § 102(e) objection be withdrawn.

Claim 10

The Office Action rejects Applicants' old claim 10 as being anticipated by Kawamura. Claim 10 depends from independent claim 1. Applicant respectfully submits that its amended claim 10 is patentably distinguishable over Kawamura. Amended claim 1 reads as follows:

The device as claimed in claim 1, wherein said means for demountably mounting the first rectangular body to the belt comprises a rigid looping member fixed cohesively to the elongate second body, said looping member positioned on the second elongate body so as to create a slot between the second elongate body and the looping member, said slot adapted to receive a belt, and further wherein the looping member has a first end fixed in a pivoting relationship to the second elongate body and a second free end, said second free end adapted for lockable engagement with a raised part on the second elongate body.

Kawamura discloses, in Figure 13, a rigid looping member (28') for mounting to a belt. These are described in paragraph [0054] as "strap attaching holes".

Applicant's invention, Figures 9A and 9B, disclose a looping member having a fixed end and a lockable openable end. Paragraph [0043] refers:

[0043] Referring to FIG. 9, there is shown another embodiment of my invention wherein the looping member (130) is fixed cohesively to the second elongate body (20) and has a first fixed end (132) and a second lockable openable end (134). FIG. 10, view A, shows the looping member (130) in its closed position. The member lockable openable end (134) comprises an upright part (136) having a triangular-shaped head (138). Head (138) is adapted for engagement with similar shaped orifice (140) within the looping member opening end. There is some resiliency in the polymer from which the looping member is made and therefore the lug head (138) and the orifice (140) will easily snap together in a

locking manner. The looping member can be opened by exerting sufficient upwards force on the looping member opening end to overcome the engagement of the head (138) and orifice (140).

Karamura does not disclose this looping member. Therefore, Applicant's claim 10 recites novel and inventive subject matter over Karamuar. For this reason, the Applicant requests that the § 102(e) objection be withdrawn.

Claim 16

The Office Action rejects Applicant's old claim 16 as being anticipated by the Kitts reference.

Amended claim 16 reads as follows:

An ID/credit card anti-theft device for mounting to a belt for securely holding an at least one card, said at least one card having a top surface and a bottom surface, said device comprising: a. a first rectangular body adapted to secure said at least one card, said first rectangular body comprising: i. a first front chamber; ii. a second rear chamber; iii. a dividing member for dividing said first front chamber from said second rear chamber; and, b. a second elongate body comprising a looping member creating a slot, said slot adapted for receiving a belt in a looping relationship thereby fixing said second elongate body to said belt, wherein said first front chamber and said second rear chamber are each adapted to receive and securely contain an at least one card.

Kitts is a card holding security device that does not disclose a looping member creating a slot for mounting the second elongate body to a belt. Applicant submits that this feature is disclosed in its amended claim 16 and therefore his claim 16 is novel and innovative over Kitts. For that reason, Applicant requests that the § 102(b) objection be withdrawn.

Claim 17

The Office Action rejects Applicant's old claim 17 as being anticipated by Kitts.

Amended claim 17 reads as follows:

The device as claimed in claim 16, wherein said first front chamber includes: a. a floor, b. a top wall having an upper surface and an inside surface; c. a bottom wall having an upper surface and an inside surface; d. a front wall having an inside surface adapted to act as an at least one card abutment; and, e. an open back end whereby the first front chamber accepts an at least one card in a sliding engagement, and wherein, said top wall inside surface, said bottom wall inside surface, said front wall inside surface and said open back end generally define the card dimensions so that when the at least one card is inserted into the first front chamber the at least one card is secured within the first rectangular body; so that when the at least one card is enclosed within the front chamber the top wall inside surface and the bottom wall inside surface are in frictional sliding engagement with the at least one card to restrain it within the first front chamber.

Amended claim 17 is dependent from amended independent claim 16 and includes all of the limitations of claim 16. Since Kitts does not disclose all of the elements of claim 16 and 17 it cannot be said to anticipatory. For that reason, Applicant requests that the § 102(b) objection be withdrawn.

Allowable Subject Matter

The Office Action has indicated allowable subject matter in the following original claims if rewritten to overcome the objections noted in the Office Action: claims 2-9, claims 11-15 and claims 18-26.

Applicant submits that the intervening claims 1, 10, 16 and 17 have been amended to disclose new and inventive subject matter over the cited references and are now in a condition for allowance.

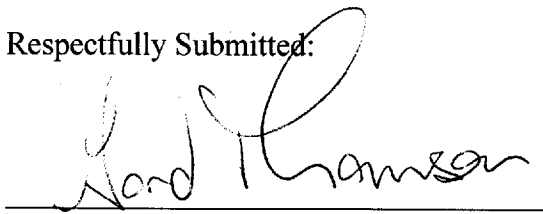
Conclusion

In view of the forgoing amendments and accompanying arguments, Applicants respectfully request allowance of their claims 1 to 26 inclusive as originally submitted or as amended herein.

If there are any matters concerning this application that could be cleared up in a telephone conversation, please contact the undersigned at (250) 418 3250.

The assistance and helpful suggestions set out by the Examiner in this Office Action are greatly appreciated.

Respectfully Submitted:

A handwritten signature in dark ink, appearing to read "Gordon Thomson", is written over a horizontal line.

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